

New York

New Notice and Guidance for New York City Earned Safe and Sick Time

The New York City Department of Consumer and Worker Protection has issued a new [employee notice](#) and answers to frequently asked questions ([FAQs](#)) for the city's Earned Safe and Sick Time Act (ESSTA). The ESSTA was significantly expanded by amendments that took effect **Feb. 22, 2026**.

The department also revamped the [webpage](#) for ESSTA leave, which it now refers to as "protected time off."

Expansion of ESSTA Leave

In October 2025, the New York City Council [amended](#) the ESSTA to add new qualified reasons for leave and an additional 32 hours of unpaid safe and sick time, available to employees upon hire and on the first day of each calendar year.

The amendments, which took effect Feb. 22, absorbed employees' right to leave under the city's Temporary Schedule Change Act.

Employee Notice

The law requires employers to give a written notice of employee rights about the ESSTA to employees when they begin employment and when their rights change. The notice must be in English and the employee's primary language, if a translation is available on the department's website. Employers should note that they are required to fill in their calendar year on the notice, which was updated on Feb. 22, 2026, to reflect ESSTA amendments that took effect on that date.

The notice must also be posted in the workplace in an area that is visible and accessible to employees. The posted notice must be in English and in any language spoken as a primary language by at least 5% of employees at the workplace, if translations in those languages are available on the department's website.

In its FAQs, the department recommends that employers save copies of the notice signed by employees or, if the notices are sent by email, email receipts of the digital notices. These documents will serve as the proof required by the ESSTA that the notice was received by the employee and the date it was received.

The FAQs also point out that even employers with protected time-off policies that meet or exceed ESSTA requirements must provide their employees with the notice.

Highlights

New ESSTA Notice, Guidance

New York City has updated its sample notice, FAQs and webpage for the ESSTA, the city's earned safe and sick leave law.

Changes to the Law

The updates reflect significant amendments to the law that took effect Feb. 22, 2026, including more reasons for leave and 32 extra hours of unpaid leave for ESSTA reasons.

Protected Time Off

The revised notice, guidance and webpage now refer to ESSTA leave as protected time off.

Updated Guidance

The department also updated its ESSTA FAQs and website about the law on Feb. 22 to incorporate information about the amendments. The website, FAQs and notice now refer to the ESSTA as the Protected Time Off Law and ESSTA leave as protected time off.

The 49-page FAQs address (among other things) employee rights to accrued leave, the new bank of unpaid leave at the start of employment and subsequent calendar years, and a separate bank of 20 hours of paid prenatal leave.

One notable FAQ highlights the differences between the ESSTA and the state paid sick leave law, pointing out that the ESSTA now:

- Gives employees an additional 32 immediately available hours of unpaid protected time off; and
- Expands protected uses to include care for a child or for a care recipient, attendance at a legal proceeding or appointment for public benefits or housing, staying home in response to a public disaster or taking safety measures due to workplace violence.

The FAQs also explain how to navigate overlapping federal, state and city leave laws, and note specifically that ESSTA recordkeeping requirements differ from recordkeeping requirements under the state paid sick leave law and federal tax law.

Employer Takeaways

Employers with employees in New York City should begin using the updated notice and review the department's revised FAQs to ensure compliance with new and changed ESSTA requirements. Employers should pay particular attention to the new required bank of unpaid leave and new permitted reasons for leave. They should also ensure that their recordkeeping systems take the changes into account.